

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHARLENE SCOTT,

Defendant.

CASE NO: 2:15-cr-174-KJD-BNW
CASE NO: 2:15-cr-193-KJD-PAL

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of the parties, and good cause appearing therefore, the Court finds:

1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6) counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220]. On September 5, 2018, this Court sentenced Charlene to serve forty-six (46) months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
2. Following this Court’s imposition of sentence, the parties, either jointly or individually, have requested to continue Charlene’s self-surrender date due to healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”), to whom Charlene provides daily care.
3. On December 3, 2020, this Court issued an Order [ECF No. 364], extending Charlene’s self-surrender date to April 9, 2021. The Order also indicated the parties shall inform the Court upon any material change in Charlene’s health, or Charlene’s husband’s health.
4. On March 11, 2021, Charlene and her husband received the second dose of the vaccination against COVID-19.
5. On March 7, 2021, Charlene’s husband, Terry Brown (“Terry”) was rushed to the emergency room for severe back pain. While in transport Terry also began experiencing problems with his heart. The doctors determined that if Terry did not

undergo back surgery he could be paralyzed. However, before Terry could undergo surgery he needed to strengthen his heart. As such, Terry received a referral for outpatient cardiac rehab.

6. On March 13, 2021 Terry was hospitalized again and transferred to a rehab facility three days later. On or about March 23, 2021 Terry was removed from the rehab facility because the staff failed to monitor him sufficiently and missed several doses of Terry's medication. Humana Insurance agreed Terry should be removed and is in the process of filing a Complaint regarding his care.
7. At present, Terry cannot walk and remains at home receiving around the clock care from Charlene. Terry and Charlene are waiting for home health to begin which will provide Terry with physical and occupational therapy to strengthen his heart. They are also waiting on approval from Terry's cardiologist and oncologist to approve Terry's back surgery. It is difficult to predict how long the ongoing rehab, surgery, and recovery from surgery will take. However, the parties believe that a 90-day extension of Charlene's self-surrender date will provide sufficient time for Terry to recover from these medical ailments.
8. Charlene is currently out of custody and does not object to the continuance.
9. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not object to a ninety (90) day continuance of Charlene's self-surrender date.
10. This continuance is not sought for the purposes of delay.

CONCLUSIONS OF LAW

Pursuant to 18 U.S.C. §3143(a), this Court may permit Charlene to voluntarily report to prison if it is determined by "clear and convincing evidence that she is not likely to flee or pose a danger to the safety of any other person or the community." Accordingly, 18 U.S.C. §3143(a) gives this Court the inherent authority to continue Charlene's self-surrender date as long as she is not a danger to the community or a flight risk. Charlene has been compliant with all of the conditions of her release since July of 2015, and as the Court previously determined in allowing her to remain at liberty she is neither a danger to the community nor a flight risk.

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ORDER

IT IS THEREFORE ORDERED that the Stipulation to Continue Self-Surrender Date is GRANTED.

IT IS FURTHER ORDERED that CHARLENE SCOTT shall self-surrender to the designated Bureau of Prisons' facility on the 13th Day of August, 2021.

DATED AND DONE this 26th day of March, 2021.



UNITED STATES DISTRICT COURT JUDGE
THE HONORABLE KENT J. DAWSON